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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,641	12/05/2003	Hye Kyung C. Timken	T-6292	8423
34014	7590	09/30/2005	EXAMINER	
CHEVRON TEXACO CORPORATION P.O. BOX 6006 SAN RAMON, CA 94583-0806			NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER

1754

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,641

Applicant(s)

TIMKEN, HYE KYUNG C.

Examiner

Cam N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>originally filed</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 14-15, 17, & 20 are objected to because of the following informalities:
 - A. In claim 1, line 2, "in which" is suggested changed to --wherein--.
 - B. In claims 14 & 15, line 2, "linewidth" should be --line width--.
 - C. In claim 17, line 3, "in which" is suggested changed to --wherein--.
 - D. In claim 20, line 3, "mixtures" should be changed to --mixture--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102(e)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Timken (US Pat. 6,872,685 B2).

The applied reference has a common *inventor* with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Timken discloses a hydrocracking catalyst composition comprising (1) a minor amount of a low acidity, highly dealuminated ultrastable Y zeolite having an Alpha value of less than about 5 and Broensted acidity of from about 1 to about 20 micromole/g, (2) a homogeneous, amorphous silica-alumina cracking component having an SB ratio of from about 0.7 to about 1.3, wherein a crystalline alumina phase is present in an amount of no greater than about 10% and (3) a catalytic amount of hydrogenation component selected from the group consisting of a Group VI metal, a Group VIII metal, and mixtures thereof (see col. 20, claim 21). The homogeneous silica-alumina cracking component is highly homogeneous having an SB silica to alumina ratio of from about 0.9 to about 1.1, etc. (see col. 20, claim 25). See also col. 20, claims 26 & 28. Timken further discloses that the amount of silica in the silica-alumina ranges from about 10%-70% by weight, and most preferably the amount of silica in the silica-alumina ranges from about 25% -50% by weight (see col. 6, ln 5-14).

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Regarding claims 1, 9, & 14-17, it is considered the disclosed catalyst support inherently possesses the same x-ray diffraction properties as being claimed since both applicants and the reference disclose the same catalyst support material.

Regarding claims 6 & 7, the claimed alumina concentrations are inherently met by the teaching of Timken in view of the silica concentrations disclosed in the reference (see above).

Regarding claim 8, the claim is met because the disclosed catalyst support is prepared by the same process as being claimed (see Timken at col. 10, ln 38- col. 11, ln 40).

There is no patentable distinction seen between the claimed catalyst support and that disclosed by Timken.

Claim Rejections - 35 USC § 102(b)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 & 8-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaffe (US Pat. 4,289,653).

Jaffe discloses an extruded silica-alumina catalyst prepared by a cogel process (see col. 6, claim 1). The catalyst having Group VI and Group VIII dispersed in a silica-alumina base. The Group VIII metal compounds which may be employed including

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compounds of iron and cobalt (see col. 4, ln 3-25). Jaffe further discloses catalysts A-F which were prepared by using the weight ratio of alumina to silica in the amount of 75/25 to 70/30 (see Table I in Examples).

It is considered inherent that the disclosed catalyst support would possess the same x-ray diffraction properties because both applicants and Jaffe disclose the same catalyst support.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffe (US Pat. 4,289,653).

Jaffe discloses a catalyst support as described above, except for the claimed alumina concentration.

It would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have optimized the amount of alumina in such process in order to achieve an effective catalyst support, because of *In re Boesch*.

Citations

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared attached.

Conclusion

9. Claims 1-20 are pending. Claims 1-20 are rejected. No claims are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn *cnn*
September 27, 2005

Cam N. Nguyen
CAM N. NGUYEN
PRIMARY EXAMINER

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